

REMARKS

Claims 1-8, 10-23, and 25-26 are pending. Claims 15, 17, and 18 stand withdrawn. In the instant amendment, claims 14 and 15 have been canceled, and claims 1, 2, 10, 16-18, 22, 23, 25, and 26 have been amended. Upon entry of the instant amendments, claims 1-8, 10-13, 16, 19-23, and 25-26 will be pending and under consideration.

I. AMENDMENTS TO THE CLAIMS

Claims 14 and 15 have been canceled without prejudice to Applicants' rights to pursue non-elected subject matter in one or more applications.

Claims 1, 2, 10, 16-18, 22, 23, and 25 have been amended. Claim 1 has been amended to recite, in relevant parts, a polynucleotide encoding a RC Kinase polypeptide comprising an amino acid sequence selected from the group consisting of : amino acid sequences which are at least about 75% identical to the amino acid sequence shown in SEQ ID NO: 10; and the amino acid sequence shown in SEQ ID NO: 10. Support for the amendments to claim 1 may be found, for example, in the specification at page 9, lines 27-29, as originally filed.

Claims 1, 22, 23, and 25 have been amended to delete SEQ ID NOS: 1, 2, 3, 5, 6, 7, 8, 9, 11, and 12.

Claims 2, 10, and 25 have been amended to correct minor clerical and/or grammatical errors.

Claims 16 has been amended to delete the phrase "or the reagent of claim 14."

Claim 17 has been amended to correct the dependency.

Claims 17 and 18 have been amended to recite pharmaceutical compositions. Support for the amendments to claims 17 and 18 may be found, for example, in the specification from page 5, line 12 to page 6, line 7, and from page 35, line 19 to page 37, line 18, as originally filed.

Claim 26 has been amended to recite SEQ ID NO:4. Support for the amendments to claim 26 may be found, for example, in the specification at page 41, lines 13-14, as originally filed.

Applicants respectfully submit that the instant amendments to the claims are fully supported by the application as originally filed and that no new matter is introduced with these amendments. Accordingly, entry of these amendments is respectfully requested.

II. RESPONSE TO RESTRICTION REQUIREMENT

A Restriction Requirement under 35 U.S.C. §121 has been entered in the present application. The Restriction Requirement identifies eleven inventions according to the U.S. Patent and Trademark Office (PTO).

In order to be fully responsive to the restriction requirement, Applicants elect Group 1 (claims 1-3 and 5).

Further, Applicants have been required to elect a single sequence for examination. The PTO alleges that this is a Group requirement because each sequence constitutes a separate product. In order to be fully responsive to the requirement, Applicants elect SEQ ID NO:10.

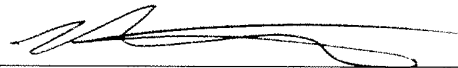
Applicants respectfully traverse the restriction requirement requiring the election of a single sequence. Applicants respectfully request that the Restriction Requirement be modified to include SEQ ID NO:4 in the elected restriction group. SEQ ID NO:4 represents a polynucleotide sequence that encodes the polypeptide sequence represented by SEQ ID NO:10. Applicants respectfully submit that a single search for a polynucleotide encoding SEQ ID NO:10 would identify any relevant art, as they relate to a polynucleotide encoding a RC Kinase polypeptide, including SEQ ID NO:4. Therefore, such a search would not constitute an undue burden on the Examiner. Accordingly, in accordance with § 803 of the Manual of Patent Examining Procedure (MPEP), the Examiner should examine the recited SEQ ID NO:4 in a single application.

Applicants reserve the right to pursue non-elected subject matter in one or more later filed divisional, continuation or continuation-in-part applications. Applicants also reserve the right to request rejoinder of the claims of other Groups, *e.g.*, Groups 3, 4, and 8, pursuant to M.P.E.P. § 821.04.

No fee is believed to be due with the submission of this paper. However, the Commissioner is authorized to charge all required fees, or credit any overpayment, to Jones Day Deposit Account Number 50-3013 (order no. 191354-999016). The PTO is invited to call the undersigned attorney at (650) 739-3983 if a telephone call could help resolve any issues.

Respectfully submitted,

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